



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/703,394	11/07/2003	Walter E. Smolucha	1842.001US1	9218
70648	7590	09/30/2009		
SCHWEGMAN, LUNDBERG & WOESSNER/WMS GAMING P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER	
			ALL HATTEM	
			ART UNIT	PAPER NUMBER
			3692	
			NOTIFICATION DATE	DELIVERY MODE
			09/30/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com  
request@slwip.com

### Office Action Summary

**Application No.**

10/703,394

**Applicant(s)**

SMOLUCHA ET AL.

**Examiner**

HATEM ALI

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 59-63 and 82-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 59-63 and 82-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on **8/11/09** has been entered.
2. The following is an **Office Action** in response to a communication received on **8/11/2009**.

### ***Acknowledgement***

3. **Claim status:**
  - **Newly added claims: 90 and 91**
  - **Pending claims : 1-8, 59-63 and 82-91**

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8, 59-63, and 82-91** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Kaminkow** et al (2003/0036425) in views of **French** (5735,742).

**As per claim ¶1**, **Kaminkow** discloses that a system comprising:

a plurality of casino games located in a gaming establishment wherein at least some of the games include a reader component adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machines **100-103** and **para 0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

a network communicably coupling the plurality of casino games in the gaming establishment (**Abstract** , para **0066** and **Fig.3**; via local network **345**); and

an information system including software operable on the system to associate location data with reader component of each of the plurality of casino games and to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (**Fig.1** and **para 0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit [DCU] to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program, implied and inherent processors having computer readable media);

wherein upon detection of RFID tag carried by the individual, the casino games send the data from the RFID tag to the information system (**Abstract**; via **RFID** tag);

**Kaminkow** did not explicitly disclose that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment

However, **French** being in the same field of invention discloses that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment (**Abstract** and **col.2**, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; **col.6**, lines 2+; via the gaming chips placement area **23** is a player's bet area, the total value of chips played by a player identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **French** in order to facilitate the tracking electronically, the movement of the gaming chips [associated with players] for identifying location and time period used by players at the casino.

As per claim 2, **Kaminkow**, discloses that a data transmission system connecting the reader component to the information system and wherein the transmission system comprises physical connectors connecting the information system to the reader components (**Figs. 9C-D** and **10A-B** and **para 0165**, line 11; via RFID

reader located on the gaming machine works with RFID system for player tracking program implemented on the gaming machine).

**As per claim 3, *Kaminkow*** discloses that a data transmission system connecting the reader component to the information system and wherein the transmission system comprises RF transmission components passing data between the reader components and the information system using radio frequency transmissions (**para 0031**; via input mechanism is Radio Frequency [RFID] reader and the RFID system).

**As per claims 4-8, *Kaminkow*** discloses that the reader component is an antenna and a reader unit located outside or in the casino game, receiving input from a plurality of antennas wherein the antennas are located in two or more different casino games (**Figs. 1, 9C-D and 10A-B and para 0164-0165**, line 5; via RFID readers **910** may probe simultaneously a plurality of RFID tags carried by players in the casino environment).

**Claims 9 - 58. (Cancelled)**

**As per claim 59, *Kaminkow*** discloses that a system comprising:

a plurality of casino games located in a gaming establishment having one or more reader components positioned therein, wherein the reader components are adapted to detect a RFID tag in proximity to the reader component and read data from the RFID tag, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machines **100-103** and **para 0165 and 0170**; via RFID tags carried by person [players] in the Casio establishment);

a network communicably coupling the plurality of casino games in the gaming establishment (**Abstract** and **Fig.3**; via local network **345**); and

an information system including software operable on the system to associate location data with reader component of each of the plurality of casino games and to record information concerning the movement and activities of an individual in a gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment (**Fig.1** and **para 0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program) implied and inherent processors having computer readable media);

wherein upon detection of RFID tag carried by the individual, the casino gamed send the data from the RFID tag to the information system (**Abstract**; via **RFID** tag);

**Kaminkow** did not explicitly disclose that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment

However, **French** being in the same field of invention discloses that the information system uses the data received from the casino games and the location data to determine the movement of the individual through the gaming establishment (**Abstract** and **col.2**, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; **col.6**, lines 2+; via the gaming chips placement area **23** is a player's bet area, the total value of chips played by a player

identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played]).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **French** in order to facilitate the tracking electronically, the movement of the gaming chips [associated with players] for identifying location and time period used by players at the casino.

**Claims 60-63** are rejected as per the reasons set forth in claims **4-6** and **8** respectively.

**Claims 64 - 81 (Cancelled)**

**As per claim 82, Kaminkow** discloses that a method comprising:

detecting an RFID tag in proximity to a reader component of the plurality of reader components, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machines **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (**para 0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer); and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment and as determined by the location data (**para 0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer implied recording information/movement of person/players),



**Kaminkow** did not explicitly disclose the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system

However, **French** being in the same field of invention discloses the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system (**Abstract** and **col.2**, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; **col.6**, lines 2+; via the gaming chips placement area **23** is a player's bet area, the total value of chips played by a player identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **French** in order to facilitate the tracking electronically, the movement of the gaming chips [associated with players] for identifying location and time period used by players at the casino.

**As per claim 83**, **Kaminkow** discloses that the step of recording information concerning the movement or activities of the individual includes recording the individual's game playing history by determining the proximity to a casino game of the RFID tag carried by the individual (para **0170**, lines 15-18; via the players [persons] to be in a location within the range of the RFID reader, RFID tags persons carrying to be read, implied player's information).

**As per claim 84, *Kaminkow*** discloses that the step of further comprising detecting an RFID tag in proximity to a casino game whether or not the individual plays the casino game (para **0170**, lines 1-5; via person carrying RFID tags without active participation).

**As per claim 85, *kaminkow*** discloses that the RFID tag is mounted in a token or card an individual uses in connection with playing a casino game. (**Figs. 9C, 10A-10B** and para **0156**, lines 1-8; via RFID tag **906** may be embedded in a media, such as paper or plastic i.e. credit card size plastic substrate or printable label with adhesive backing)

**As per claim 88, *Kaminkow*** discloses that a computer-readable medium having stored thereon computer executable instructions for causing one or more processors to perform a method (**Fig.1** and para **0007**, via **casino 150** gaming machines **100-103** are connected via data collection unit (DCU) to the player tracking / accounting server **120** with display **34**, in the hardware and software implemented loyalty reward program) implied and inherent processors having computer readable media), the method comprising:

detecting an RFID tag in proximity to a reader component of the plurality of reader components, wherein the RFID tag is carried by an individual in the gaming establishment (**Fig.1**; via **casino 150** with gaming machine **100-103** and para **0165** and **0170**; via RFID tags carried by person [players] in the Casio establishment);

reading data from the RFID tag (para **0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer); and

recording information concerning the movement or activities of the individual in the gaming establishment as determined from reading the RFID tag carried by the individual in the gaming establishment and as determined by the location data (**para 0164**; via reader/programmer **910** is to provide means of communicating with the tags and facilitating data transfer).

**Kaminkow** fails explicitly to disclose the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system

However, **French** being in the same field of invention discloses the step of associating location data with reader component of each of the plurality of casino games therein; transmitting the data to an information system (**Abstract** and **col.2**, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; **col.6**, lines 2+; via the gaming chips placement area **23** is a player's bet area, the total value of chips played by a player identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **French** in order to facilitate the tracking electronically, the movement of the gaming chips [associated with players] for identifying location and time period used by players at the casino.

**Claims 87-89** are rejected as per the reasons set forth in the **claims 83-85** respectively.

As per claim 90 (new), **Kaminkow** did not disclose the system (of claim 1), wherein the information system is operable to determine how long the individual has been playing the casino games based on the data received from the casino games and the location data.

However, **French**, being in the same filed of invention discloses the system, wherein the information system is operable to determine how long the individual has been playing the casino games based on the data received from the casino games and the location data (**Abstract** and **col.2**, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; **col.6**, lines 2+; via the gaming chips placement area **23** is a player's bet area, the total value of chips played by a player identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the features mentioned by **Kaminkow** to include the disclosures as taught by **French** in order to facilitate the tracking electronically, the movement of the gaming chips [associated with players] for identifying location and time period used by players at the casino.

**Claim 91** (new), is rejected as per the reasons set forth in the **claim 90**

***Response to Arguments***

6. **Applicant's** arguments with respect to **claims 1-8, 59-63, and 82-91** have been considered but are **moot** in view of the new ground(s) of rejection.

1) In response to **Applicant's** argument Remarks (Page 8, para 2 to 10, para3) that "As an initial matter ... Nguyen 707, 307, 39' ... Non of the elements in Fig.1, nor the elements described at paragraph [0007] teach or suggest associating any location data with a plurality of reader components ... Additionally, claims1 and 59 recite that ... RFID tag ... Nguyen 707 is not prior art ... is also non-obvious, MPEP 2143.03", the examiner respectfully does not agree all, such as Kaminkow refers in para **0206-0207** with location manager **1010** may be capable of providing location service ... locate one or more RFID tags [associated with players] and may store a record that RFID tag **1018** has been used by players to initiate loyalty program. However, for more clarity, a new prior art of **French (Abstract and col.2, lines 9+; via a system 11 ... automatically tracking the flow and history of the gaming chips to players and dealers; col.6, lines 2+; via the gaming chips placement area 23 is a player's bet area, the total value of chips played by a player identified by the associated card reader 33 over a given time period can be ascertained [player's location and how long he played])** is provided.

**2) Finally**, as it is understood all references cited are to teach and suggest the concept of the invention, but not the complete invention applied for and cited references are to be considered as a whole of their entirety.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Luciano*** et al (2002/0111210) discloses Anonymous Player Identifiers in a Gaming Environment

***Paulson*** (6,628,939) discloses personal gaming device

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish Dass  
Primary Examiner,  
Art Unit 3692

Hatem Ali  
Examiner  
Art Unit 3692

/Harish T Dass/

Primary Examiner, Art Unit 3692